IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 15 OF 2005

Maniklal Peerchand Lunawat & Ors. ...Petitioners

V/s.

Shree Jain Vidya Prasarak Mandal & Ors. ... Respondents

Petitioner No.1 – party-in-person - present

Mr. Sanjeev Sawant for Respondent No.1

Mr. P.M. Patil, Assistant Government Pleader, for Respondent No. 2

Mr. R.V. Govilkar for Respondent No. 3.

CORAM: KSHITIJ R. VYAS, C.J., &
DR.D.Y.CHANDRACHUD,J.
DATE: MARCH 29, 2006.

P.C.:-

1. The petitioners invoke the Public Interest Litigation Jurisdiction of this Court by filing this PIL with the following prayers:-

> "(a) This Writ Petition be admitted, heard and orders be passed.

(b) The trustees be restrained to hold (sic) elections on 6/2/05 by illegal means.

(c)The membership list purposely kept defective be made updated and submitted to the learned Dy. C.C. (Charity Commissioner) for final inspection and approval so that no such future election gets litigations multiplied.

(d) The Charity Commissioners be directed to pass interim orders so as not to hold elections in this legal system but they do not do so is the observation of this petitioner and hence multiplication of litigations goes on and the petitioner members put to great loss and harassments and to hold election for 2005-2008.

(e) The petitioner applies for direction from the learned Joint C.C. Pune on the application dated 24/1/05 and it was rejected with the line of judgment that subjects are kept for discussion even then Mr. Mutha may go ahead to take undue advantage and to declare elected illegally.

(f) The Deputy Charity Commissioner be directed to keep strict watch on elections being held by the trust by following thorough legal process and with ballots and under the sanctioned constitution of the trust and strict care be taken for holding free and fair elections without any harassment to the members of

the trust and (for) any illegal performance committed, the party be strictly penalised.

(g) The petitioner be allowed for addition, amendments and/or corrections as may be needed by order of the court.

(h) Any just order as may deem fit and proper please be passed by this Hon'ble Court in the interest of the trust property and the members at large and obliged.

(i) Respondent No. 3 be appointed as the Administrator of the Trust, having mal-administration of mal-mis-non-feasance for years together."

2. On going through the prayers, we find that the reliefs prayed for are inter-linked with the main relief, that is to say, to hold elections on 6th February, 2005. There is no dispute that the elections to elect trustees of Shree Jain Vidya Prasarak Mandal was held. But the so-called illegality has been committed in holding the said elections.

3. Having gone through the averments and heard the petitioner – party-in-person, we are clearly of the view that this is not a public interest litigation. The so-called private disputes

between the trustees cannot be the subject-matter of *lis* before this Court. In the public interest litigation, the manner in which the private disputes have been highlighted and having been persisted by the petitioners, wasting the time of this Court, we impose costs on the petitioners with a view to set an example that such frivolous litigations are not filed in this Court. We, therefore, direct the petitioners to pay costs of Rs.10,000/- to each of the respondents within two weeks from today. The petition is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,J.